

# KING & SPALDING

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August 9, 2016

**VIA E-MAIL TRANSMISSION  
AND ECF FILING**

The Honorable Martin Glenn  
United States Bankruptcy Judge  
United States Bankruptcy Court  
Southern District of New York  
Alexander Hamilton Custom House  
One Bowling Green  
New York, New York 10004

**Re: In re Motors Liquidation Company, et al.  
Case No. 09-50026 (MG)**

**Update Regarding Meet and Confer in Light  
of Second Circuit's Opinion dated July 13, 2016**

Dear Judge Glenn:

King & Spalding LLP is co-counsel with Kirkland & Ellis LLP for General Motors LLC (“New GM”) in the above-referenced matter. At the Status Conference held on July 18, 2016, the Court directed the parties to meet and confer to determine the most appropriate procedures to address the entire range of issues relative to enforcement of the 2009 Sale Order in the above referenced case, given the Second Circuit’s July 13, 2016 Opinion (“Opinion”).<sup>1</sup> On August 3, 2016, counsel for New GM had an initial meeting with (i) Brown Rudnick LLP, and Stutzman, Bromberg, Esserman & Plifka, P.C., as attorneys and Designated Counsel for Ignition Switch Plaintiffs and certain Non-Ignition Switch Plaintiffs in the Bankruptcy Court; (ii) Hagens Berman Sobol Shapiro LLP, as attorneys and Co-Lead Counsel for Ignition Switch Plaintiffs and certain Non-Ignition Switch Plaintiffs in MDL 2543 pending before District Judge Furman; and (iii) Goodwin Procter LLP, attorneys for certain pre-sale accident plaintiffs and certain post-sale accident plaintiffs.

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<sup>1</sup> New GM will be filing a *Petition for Panel Rehearing and Rehearing En Banc* (“Rehearing Petition”) with the Second Circuit on Wednesday, August 10, 2016. Upon filing, the Mandate will be stayed pending a ruling by the Second Circuit on the Rehearing Petition.

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The meet and confer focused on identifying potential issues for the Court's consideration, and the procedures for raising those matters with the Court. Among other things, the parties have discussed due process issues related to certain Non-Ignition Switch Plaintiffs, and issues related to the filing of a late proof of claim. The parties are still formulating their views and working towards a consensus. They intend on having another "meet and confer" shortly, at which time they plan on including the GUC Trust, the GUC Trust Unitholders, the Groman Plaintiffs, Gary Peller and potentially other state court litigants.

The parties will provide the Court with a further update by September 1, 2016, and request that the Court schedule a status conference on this matter on October 5 or 6, 2016. It should be noted that a Fourth amended complaint will be filed in the MDL 2543 no later than September 13, 2016 as a result of the July 2016 Second Circuit Opinion and District Court decision on New GM's motion to dismiss the Third Amended Consolidated Complaint. The parties will need time to review that amended complaint and discuss issues arising therefrom.

This update letter has been reviewed and approved by Brown Rudnick, as counsel for the Ignition Switch Plaintiffs and certain Non-Ignition Switch Plaintiffs.

If the Court has any questions or needs additional information, please let us know.

Respectfully submitted,

*/s/ Arthur Steinberg*

Arthur Steinberg

Reviewed and Agreed to by:

/s/ Howard Steel

Howard S. Steel  
Brown Rudnick LLP  
*Designated Counsel for Ignition Switch  
Plaintiffs and certain Non-Ignition Switch  
Plaintiffs in the Bankruptcy Court*

AJS/sd

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